

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MARIA KAMILA MARIN, on behalf of herself and others
similarly situated,

Plaintiff,

-against-

APU FOODS CORP. d/b/ RIKO PERUVIAN CUISINE, 44
SUNNYSIDE CORP. d/b/a RIKO PERUVIAN CUISINE
EXPRESS, JAMAICA 153 CORP. d/b/a RIKO PERUVIAN
CUISINE, 8 CHELSEA CORP. d/b/a RIKO PERUVIAN
CUISINE, BARU CORP. d/b/a CUMBIA AND SABOR,
PAULA ANDREA GIL, and WALTER BURGOS,

Defendants.

**Case No. 17-cv-3224 (MKB)
(SMG)**

NOTICE OF MOTION TO DISMISS

Defendants, by and through counsel, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby moves this Court for an order dismissing Plaintiff's First Amended Complaint for failure to state a claim upon which relief may be granted. In support of their motion, Defendants refer this Court to their Memorandum of Law in Support, filed simultaneously herewith.

WHEREFORE, for the reasons stated in the accompanying memorandum of law in support of this motion, Defendants respectfully request that this Court (1) grant their motion to dismiss; (2) dismiss the Complaint in its entirety with prejudice; and (3) award any other relief that this Court deems just and proper.

Dated: New York, New York
July 14, 2017

/s/ Argilio Rodriguez, Esq.
By: Argilio Rodriguez, Esq.
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Attorney for Plaintiff

CERTIFICATION OF SERVICE

I, Argilio Rodriguez, hereby certify that on September 9th, 2016, I caused a copy of the attached Notice of Motion to Dismiss plaintiffs' Complaint and the Memorandum of Law in Support of Defendants' Motion to Dismiss to be served: (i) electronically on all counsel registered for electronic service in this action; and (ii) by mail to opposing counsel.

Dated: New York, New York
September 9, 2016

/s/Argilio Rodriguez
Argilio Rodriguez, Esq.